



# भारत का राजपत्र

## The Gazette of India

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PART II—Section 2

प्राधिकार से प्रकार्यालय

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इस भाग में विभिन्न पृष्ठ संख्या की जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 12th April, 1979:—

BILL No. 29 OF 1979

*A Bill further to amend the Additional Duties of Excise (Goods of Special Importance) Act, 1957.*

Be it enacted by Parliament in the Thirtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Additional Duties of Excise (Goods of Special Importance) Amendment Act, 1979.

Short title and commencement.

(2) It shall be deemed to have come into force on the 1st day of April, 1979.

68 of 1957. 2. In the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (hereinafter referred to as the principal Act), in the long title, for the figures "1973", the figures "1978" shall be substituted.

Amendment of long title.

3. In the principal Act, for the Second Schedule, the following Schedule shall be substituted, namely:—

Substitution of Second Schedule.

"THE SECOND SCHEDULE

(See section 4)

Distribution of additional duties

1. During each of the financial years commencing on and after the 1st day of April, 1979, there shall be paid to each of the States Sugar.

specified in column 1 of the Table below such percentage of the net proceeds of additional duties levied and collected during that financial year in respect of sugar, after deducting therefrom a sum equal to 3.271 per cent. of the said proceeds as being attributable to Union territories, as is set out against it in column 2:

Provided that if during that financial year there is levied and collected in any State a tax on the sale or purchase of sugar by or under any law of that State, no sums shall be payable to that State under this paragraph in respect of that financial year, unless the Central Government by special order otherwise directs.

TABLE

State	Percentage
1	2
Andhra Pradesh	5.245
Assam	2.408
Bihar	5.933
Gujarat	8.742
Haryana	2.660
Himachal Pradesh	0.860
Jammu and Kashmir	0.831
Karnataka	4.901
Kerala	3.783
Madhya Pradesh	6.019
Maharashtra	17.082
Manipur	0.143
Meghalaya	0.029
Nagaland	0.115
Orissa	2.178
Punjab	6.220
Rajasthan	4.729
Sikkim	0.057
Tamil Nadu	6.449
Tripura	0.172
Uttar Pradesh	13.184
West Bengal	8.254

## Tobacco

2. During each of the financial years commencing on and after the 1st day of April, 1979, there shall be paid to each of the States specified in column 1 of the Table below such percentage of the net proceeds of additional duties levied and collected during that financial year in respect of tobacco, after deducting therefrom a

sum equal to 2.192 per cent. of the said proceeds as being attributable to Union territories, as is set out against it in column 2:

Provided that if during that financial year there is levied and collected in any State a tax on the sale or purchase of tobacco by or under any law of that State, no sums shall be payable to that State under this paragraph in respect of that financial year, unless the Central Government by special order otherwise directs.

TABLE

State	Percentage
1	2
<b>Andhra Pradesh</b>	<b>8.018</b>
<b>Assam</b>	<b>2.297</b>
<b>Bihar</b>	<b>7.219</b>
<b>Gujarat</b>	<b>6.013</b>
<b>Haryana</b>	<b>2.789</b>
<b>Himachal Pradesh</b>	<b>0.734</b>
<b>Jammu and Kashmir</b>	<b>0.744</b>
<b>Karnataka</b>	<b>6.081</b>
<b>Kerala</b>	<b>4.019</b>
<b>Madhya Pradesh</b>	<b>6.419</b>
<b>Maharashtra</b>	<b>13.506</b>
<b>Manipur</b>	<b>0.185</b>
<b>Meghalaya</b>	<b>0.171</b>
<b>Nagaland</b>	<b>0.084</b>
<b>Orissa</b>	<b>3.456</b>
<b>Punjab</b>	<b>4.268</b>
<b>Rajasthan</b>	<b>4.365</b>
<b>Sikkim</b>	<b>0.034</b>
<b>Tamil Nadu</b>	<b>7.707</b>
<b>Tripura</b>	<b>0.256</b>
<b>Uttar Pradesh</b>	<b>12.544</b>
<b>West Bengal</b>	<b>9.091</b>

3. During each of the financial years commencing on and after the 1st day of April, 1979, there shall be paid to each of the States specified in column 1 of the Table below such percentage of the net proceeds of additional duties levied and collected during that financial year in respect of cotton fabrics, woollen fabrics and man-made fabrics, after deducting therefrom a sum equal to 2.192 per cent. of the said proceeds as being attributable to Union territories, as is set out against it in column 2:

Provided that if during that financial year there is levied and collected in any State a tax on the sale or purchase of cotton fabrics,

woollen fabrics or man-made fabrics or one or more of them by or under any law of that State, no sums shall be payable to that State under this paragraph in respect of that financial year, unless the Central Government by special order otherwise directs.

TABLE

State	Percentage
1	2
<b>Andhra Pradesh</b>	<b>8.020</b>
<b>Assam</b>	<b>2.298</b>
<b>Bihar</b>	<b>7.221</b>
<b>Gujarat</b>	<b>6.015</b>
<b>Haryana</b>	<b>2.790</b>
<b>Himachal Pradesh</b>	<b>0.734</b>
<b>Jammu and Kashmir</b>	<b>0.744</b>
<b>Karnataka</b>	<b>6.083</b>
<b>Kerala</b>	<b>4.020</b>
<b>Madhya Pradesh</b>	<b>6.422</b>
<b>Maharashtra</b>	<b>13.510</b>
<b>Manipur</b>	<b>0.185</b>
<b>Meghalaya</b>	<b>0.171</b>
<b>Nagaland</b>	<b>0.084</b>
<b>Orissa</b>	<b>3.457</b>
<b>Punjab</b>	<b>4.270</b>
<b>Rajasthan</b>	<b>4.366</b>
<b>Tamil Nadu</b>	<b>7.710</b>
<b>Tripura</b>	<b>0.257</b>
<b>Uttar Pradesh</b>	<b>12.549</b>
<b>West Bengal</b>	<b>9.094.”</b>

### STATEMENT OF OBJECTS AND REASONS

The net proceeds of the additional duties of excise, levied under the Additional Duties of Excise (Goods of Special Importance) Act, 1957, on sugar, tobacco, cotton fabrics, woollen fabrics and man-made fabrics, in replacement of the States' sales taxes on these commodities, are distributed in accordance with the provisions of that Act.

2. At present the distribution among the States is made on the basis of population, State domestic product, and production of these commodities in the ratio 70:20:10, as had been recommended by the Sixth Finance Commission. The Seventh Finance Commission has determined the shares attributable to Union territories and each of the States on the basis of:

(a) in the case of sugar, average despatches of sugar to the Union territories and to each State during the three years ending 1976-77; and

(b) in the case of textiles and tobacco, population according to 1971 census and the average per capita State domestic product,

and has indicated the percentage shares attributable to Union territories and payable to each State in respect of each commodity.

3. This Bill seeks to amend the Additional Duties of Excise (Goods of Special Importance) Act, 1957, for giving effect to the above recommendations of the Commission.

NEW DELHI;

CHARAN SINGH,

*The 1st February, 1979.*

### FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to substitute the Second Schedule to the Additional Duties of Excise (Goods of Special Importance) Act, 1957, to provide for payment to States of their share of additional duties of excise on sugar, tobacco, cotton fabrics, woollen fabrics and man-made fabrics, levied and collected under the said Act. In terms of the Act, the entire net proceeds, except the proceeds attributable to Union territories, are distributable to the States. The Seventh Finance Commission, whose recommendation in this regard is intended to be given effect to by this Bill, estimated the payments to the States on this account at Rs. 1867 crores during the five years 1979-80 to 1983-84.

2. The Bill does not involve any non-recurring expenditure.

## BILL NO. 49 OF 1979

A Bill to provide for the payment out of the Consolidated Fund of India of sums equivalent to a part of the net proceeds of certain Union duties of excise to the States to which the law imposing the duty extends and for the distribution of those sums among those States in accordance with the principles recommended by the Finance Commission in its report dated the 28th day of October, 1978.

Be it enacted by Parliament in the Thirtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Union Duties of Excise (Distribution) Act, 1979.

Short title and commencement.

(2) It shall be deemed to have come into force on the 1st day of April, 1979.

2. In this Act, the expression "distributable Union duties of excise" means forty per cent. of the net proceeds of Union duties of excise, other than on electricity, levied and collected under the Central Excises and Salt Act, 1944 and any other law for the levy and collection of such duty, unless the law earmarks the proceeds of the duty for any special purpose.

Definition.

1 of 1944.

*Explanation.*—The expression "net proceeds" has the same meaning as in clause (1) of article 279 of the Constitution.

Payment  
to States  
of sums  
equiva-  
lent to a  
part of  
the net  
proceeds  
of Union  
duties of  
excise  
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distri-  
bution  
of the  
sums  
among  
them.

**3. During each of the financial years commencing on and after the 1st day of April, 1979 there shall be paid, out of the Consolidated Fund of India, to the States sums equivalent to the distributable Union duties of excise levied and collected in that year and those sums shall be distributed to each of the States specified in column (1) of the Table below in such percentage as is set out against it in column (2):—**

**TABLE**

(1)	(2)
State	Percentage
<b>Andhra Pradesh</b>	<b>7.698</b>
<b>Assam</b>	<b>2.793</b>
<b>Bihar</b>	<b>13.025</b>
<b>Gujarat</b>	<b>4.103</b>
<b>Haryana</b>	<b>1.177</b>
<b>Himachal Pradesh</b>	<b>0.521</b>
<b>Jammu and Kashmir</b>	<b>0.839</b>
<b>Karnataka</b>	<b>4.877</b>
<b>Kerala</b>	<b>4.036</b>
<b>Madhya Pradesh</b>	<b>8.727</b>
<b>Maharashtra</b>	<b>6.633</b>
<b>Manipur</b>	<b>0.218</b>
<b>Meghalaya</b>	<b>0.200</b>
<b>Nagaland</b>	<b>0.097</b>
<b>Orissa</b>	<b>4.682</b>
<b>Punjab</b>	<b>1.226</b>
<b>Rajasthan</b>	<b>4.813</b>
<b>Tamil Nadu</b>	<b>7.641</b>
<b>Tripura</b>	<b>0.373</b>
<b>Uttar Pradesh</b>	<b>18.293</b>
<b>West Bengal</b>	<b>8.028</b>

Payment  
to be  
charged  
on the  
Consoli-  
dated  
Fund of  
India.

**4. The expenditure on the payments in pursuance of section 3 shall be charged on the Consolidated Fund of India.**

Power  
to make  
rules.

**5. (1) The Central Government may, by notification in the Official Gazette, make rules providing for the time at which and the manner in which, any payments under this Act are to be made, for the making of adjustments between one financial year and another and for any other incidental or ancillary matters.**

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

3 of 1962. 6. The Union Duties of Excise (Distribution) Act, 1962, shall, as from the 1st day of April, 1979 stand repealed. Repeal.

### STATEMENT OF OBJECTS AND REASONS

At present, a sum equivalent to twenty per cent. of the annual net proceeds of Union duties of excise, excluding cesses levied under special Acts and earmarked for special purposes, is paid to the States and distributed among them in the percentages which the Sixth Finance Commission had recommended. The Seventh Finance Commission has recommended that—

- (i) forty per cent. of the net proceeds of Union duties of excise, other than on generation of electricity, levied and collected during each of the years 1979-80 to 1983-84, excluding cesses levied under special Acts and earmarked for special purposes, should be paid out of the Consolidated Fund of India to the States and distributed among them in the percentages recommended by the Commission; and
- (ii) during each of the years 1979-80 to 1983-84, the entire net proceeds of the Union duties of excise on generation of electricity should be paid out of the Consolidated Fund of India to each State in an amount equal to the collection in or attributable to that State.

This Bill is intended to give effect to item (i) of the above recommendation of the Commission. Item (ii) is being dealt with in another Bill.

NEW DELHI;

CHARAN SINGH.

The 19th March, 1979.

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment to the States of a part of the net proceeds of Union duties of excise, other than on generation of electricity. The Seventh Finance Commission, whose recommendation in this regard is intended to be given effect to by this Bill, estimated the payment to the States at Rs. 11,347 crores during the five years 1979-80 to 1983-84.

The Bill does not involve any non-recurring expenditure.

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules in respect of matters specified therein. They relate to the time at which and the manner in which any payments are to be made to the States, for the making of adjustments between one financial year and another and for any other incidental or ancillary matters. The matters in respect of which the rules may be made are of a routine and administrative character.

2. The delegation of legislative power is thus of a normal character.

**BILL No. 51 of 1979**

*A Bill further to amend the Estate Duty (Distribution) Act, 1962.*

Be it enacted by Parliament in the Thirtieth Year of the Republic of India as follows:—

- |  |   |
|--|---|
| 1. (1) This Act may be called the Estate Duty (Distribution) Amendment Act, 1979.  | Short title and commence-<br>ment.  |
| (2) It shall be deemed to have come into force on the 1st day of April, 1979.  | Amend-<br>ment of<br>long<br>title of<br>Act 9 of<br>1962.                                      |
| 2. In the long title of the Estate Duty (Distribution) Act, 1962 (hereinafter referred to as the principal Act), for the figures "1973", the figures "1978" shall be substituted.  | Substi-<br>tution of<br>new<br>section<br>for<br>section 3.                                     |
| 3. For section 3 of the principal Act, the following section shall be substituted, namely:—  | Distribu-<br>tion of<br>net pro-<br>ceeds of<br>estate<br>duty<br>assigned<br>to the<br>States. |
| 3. (1) During each of the financial years, commencing on and after the 1st day of April, 1979, the net proceeds of estate duty levied and collected during that financial year shall, after deducting therefrom the net proceeds attributable to Union territories, be distributed among the States in proportion to the gross value of all property situated in the respective States and brought into assessment in that financial year. |   |

(2) For the purposes of this section,—

(a) "gross value", in relation to property, means the total value of all property passing on the death of any person as determined by the Controller under the Estate Duty Act, 1953;

34 of 1953.

(b) "net proceeds" includes the estate duty the payment whereof has been accepted in accordance with the provisions of section 52 of the Estate Duty Act, 1953;

34 of 1953.

(c) "net proceeds attributable to Union territories" means the portion of net proceeds which bears to the total net proceeds in any financial year the same proportion which the gross value of all property, situated in all the Union territories and brought into assessment in that financial year bears to the total gross value of all property brought into assessment in that year;

(d) "property" does not include agricultural land;

(e) any property situated outside India shall be deemed to be situated in the State or, as the case may be, the Union territory wherein the value of such property has been brought into assessment.'

### STATEMENT OF OBJECTS AND REASONS

The net proceeds of estate duty in respect of property other than agricultural land levied and collected by the Government of India are to be assigned to the States within which the duty is leviable and distributed among them in accordance with such principles of distribution as may be formulated by Parliament by law in terms of article 269 of the Constitution. The distribution of the net proceeds of the duty levied and collected under the Estate Duty Act, 1953 is at present made in terms of the Estate Duty (Distribution) Act, 1962, as amended by the Estate Duty (Distribution) Amendment Act, 1974, on the basis of the recommendations of the Sixth Finance Commission. This Bill seeks to amend the Estate Duty (Distribution) Act, 1962, to give effect to the recommendations of the Seventh Finance Commission regarding the distribution of net proceeds of estate duty on property other than agricultural land, except the proceeds attributable to Union territories, among the States.

NEW DELHI;

CHARAN SINGH.

*The 6th April 1979.*

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### PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117 AND 274 OF THE CONSTITUTION OF INDIA

[Copy of letter No. F. 10(1)-B(S)/78, dated the 6th April, 1979 from Shri Charan Singh, Deputy Prime Minister and Minister of Finance to the Secretary, Lok Sabha.]

The President, having been informed of the subject matter of the proposed Bill to further amend the Estate Duty (Distribution) Act, 1962, in pursuance of the principles of distribution formulated and the recommendations made by the Finance Commission in its Report dated the 28th October, 1978, recommends under article 117(1) of the Constitution read with article 274(1) thereof, the introduction of the Estate Duty (Distribution) Amendment Bill, 1979, in Lok Sabha.

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AVTAR SINGH RIKHY,  
*Secretary.*

